



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

February 9, 2015

Attn: Louis & Suzanne Smailhall

(b) (6)

**Re: Notice of Federal Interest in a Petroleum Release Incident -**

SBA Shipyard Inc. release (FPN E15608), 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana

Louis & Suzanne Smailhall:

This letter is to inform you that a discharge and/or substantial threat of a discharge of oil from a buried barge located at GPS coordinate 30.160812<sup>0</sup> N, -92.611709<sup>0</sup> W for which you may be financially responsible. The incident was observed and documented during a site visit on September 15, 2014 by the US Environmental Protection Agency (USEPA), Louisiana Department of Environmental Quality (LDEQ) and United States Coast Guard (USCG).

The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA). Under OPA, the responsible party is liable for clean-up costs and damages resulting from an incident. A responsible party is the owner, operator, or person in charge of a facility or vessels from which the oil is discharged or poses a threat of discharge.

You may be a responsible party for the above-mentioned incident if it is determined that you have ownership or operating interests in the buried barge, and that the buried barge is discharging oil or posing a threat of discharge of oil.

If you are a responsible party, you should clean up the discharged oil and/or take other actions to prevent or mitigate or minimize the threat of a discharge of oil. If you are a responsible party and do not act, the United States may respond for you and take such actions that are necessary to remove the discharged oil or to minimize or to mitigate the threat. The U.S. costs to respond to this incident will be billed to, and recovered from, the responsible party.

You are advised that a responsible party may lose the opportunity to limit their liability for cleanup under OPA if the responsible party fails or refuses to provide all reasonable cooperation and assistance requested by a responsible official in connection with response activities. A responsible party who fails to comply with a Federal On-Scene Coordinator (FOSC) order to remove the discharge or to an administrative order to protect the public health and welfare may be subject to additional penalties. Under the Federal Water Pollution Control Act (FWPCA), a

civil penalty can amount up \$37,500 per day of violation or up to three times the costs incurred by the Oil Spill Liability Fund to conduct removal actions.

If a responsible party takes adequate removal actions in this matter, federal removal actions will usually be limited to monitoring the progress of your actions and providing guidance as necessary. A removal is being done properly if it is done in accordance with federal and state statutes and regulations and in accordance with the criteria of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). If you undertake the removal actions, the adequacy of such action shall be evaluated by the FOSC. Under the FWPCA, a responsible party's actions may be taken into account in determining the amount of any penalty assessed as a result of the incident.

If you require further information concerning this matter, please contact me at the above address or at (214) 665.2705.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hayes", written in a cursive style.

Mark Hayes  
Federal On-Scene Coordinator